

Examiner's indulgence in this regard since we await a properly executed copy of the enclosed informal Declaration.

The claims of the present invention do not enlarge the scope of the claims of the granted patent application from which the present reissue application stems. In fact, the claims of the present invention are limited to a single compound which falls within the ambit of the generic first claim of the granted parent patent. Consequently, this is not an enlargement of the scope of the claims but is a restriction to a limited scope, contrary to what the Examiner suggests.

While the Examiner appears to be correct in that the patent statutes afford no authority for the reissue of a patent merely to add other claims of the same scope as those originally granted, this does not apply in the present case. We are not adding other claims of the same scope but are restricting the present invention to limited scope. Furthermore, the patent from which the present reissue application stems is deemed to be partly inoperative since it incorrectly teaches the wrong formula for the compound of the present invention. There is precedence for requesting a reissue patent based upon incorrect material found in the parent case and we refer the Examiner to the decision in the Oda et al case 170 USPQ 268.

Again, we ask the Examiner's indulgence with regard to the submission of a properly executed Declaration in support of the present reissue application which will be forwarded as soon as it is received by us.

Applicants believe the present invention is allowable.

However, if further clarification is required, we would appreciate receiving a telephone interview with the Examiner.

Respectfully submitted,

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MK:rs  
Att.  
Informal Declaration